

REMARKS

The Office Action of 01 October 2008 included a restriction requirement for the claims pending in the subject application. According to the Office Action, the claims are drawn to two groups: Group I, including claims 1-15; Group II, including claim 16; Group III, including claims 17 and 19; Group IV, including claims 20-22; and, Group V, including claims 23-26..

In response to the Office Action, claims 16-17 and 19-26 have been withdrawn by the present amendment to the claims; Applicant, however, reserves the right to file one or more divisional or continuation applications directed to the subject matter of these withdrawn claims.

Claim 15 is amended for typographical reasons.

Election

In response to the restriction requirement, Applicant hereby elects, with traverse, for further prosecution in the subject application the claimed invention of Group I (*i.e.*, claims 1-15, directed to non-gelatin polymer films including a non-gelatin polymer and an organic acid or salt thereof).

Arguments against Restriction

Applicant respectfully traverses the restriction requirement and, further, contends that the Examiner's grounds for the restriction requirement are erroneous. Because of this error, the restriction requirement itself is believed to be improper. Applicant therefore requests reconsideration and withdrawal of the restriction requirement. At the very least, Applicant requests that claims 20-26 (Groups IV and V) be joined together with claims 1-15 for prosecution in the subject application,

For the restriction requirement, the Examiner stated that the claims of Groups I-V do not relate to a single inventive concept under PCT Rules 13.1, as it was believed that under PCT Rule 13.2 the groups lacked the same or corresponding technical features. Applicant disagrees.

Applicant submits that, at the very least, claims 20-26 (Groups IV and V) should be joined together with claims 1-15, as claims 20-26 relate to specific applications of the film claimed in claims 1-15.

For the reasons stated above, the Applicant requests reconsideration and withdrawal of the restriction requirement. Please charge any fees that may be due, including those for a five-month extension of time under 37 CFR § 1.136, credit any overpayment, to Deposit Account Number 50-1133. The Examiner is invited to telephone the undersigned attorney to discuss any aspect of this application or this response.

Respectfully submitted,

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